CALL TO ORDER AND ESTABLISHMENT OF QUORUM

A Special Meeting of the Redmond City Council was called to order by Mayor John Marchione at 7:30 p.m. in the Council Chamber. Councilmembers present and establishing a quorum were: Allen, Carson, Flynn, Margeson, Myers, Stilin, and Vache.

DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Robin Jenkinson, Attorney, City of Kirkland, introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings.

Councilmembers provided disclosures regarding site visits and any contact regarding the appeal matter. Ms. Jenkinson called for any objections from the Appellants; none were declared.

NEW BUSINESS

- A. CLOSED RECORD APPEAL PROCEEDING: Redmond Bike Park Appeal; File Nos. L110533, L120020 (quasi-judicial)
 - 1. Presentation from Parties
 - a. GASSER APPEAL, L110533: Mr. Gasser provided testimony addressing the following issues:
 - preservation of neighborhood character and value;
 - safety;
 - design, size and scope of park;
 - incomplete public notice;
 - inaccuracies in site selection;
 - background information on the bike park site; and
 - parking.
 - b. ZEITZ, ET AL. APPEAL, L120020: Mr. Zeitz provided testimony addressing the following issues:
 - City and Hearing Examiner review of the project;
 - staff address of neighborhood concerns during design phase of project;
 - · design, size and scope of park;
 - wetland boundary;
 - · parking and traffic impacts; and
 - SEPA process.
 - c. CITY'S RESPONSE, JIM HANEY, CITY ATTORNEY: Mr. Haney, representing the City of Redmond Planning Department, Parks and Recreation Department, and Technical

Committee, provided the following testimony addressing the respective appeals:

RE GASSER APPEAL, L110533:

- Mr. Gasser has not met the burden of proof, nor proven the Hearing Examiner's decision erroneous;
- notice provided in this matter was extensive, and beyond code requirements; examples provided;
- site selection is not before Council for consideration;
- Site Plan Entitlement code criteria has been met;
- no evidence was provided by the appellant regarding property valuation decrease; increase in traffic; increase in safety concerns; nor that the parking analysis performed by the City was in error;
- the size of park remains 2.5 acres; and
- staff will continue to work with the neighborhood during construction and opening of park regarding concerns.

Mr. Haney provided information in response to Council queries regarding: setback requirements for trails and bike jumps; park address; number of public meetings held prior to 2009; and ITE (Institute of Transportation Engineers) Manual assessment of vehicle trips per day/parking.

RE ZEITZ, ET AL. APPEAL, L120020:

- Mr. Zeitz has not met the burden of proof, nor proven the Hearing Examiner's decision erroneous;
- no evidence was provided by the appellant regarding: error in the delineation of the wetland boundary; error in the determination that the Bike Park is outside the required 75-foot wetland buffer; increase in safety concerns; nor that the parking analysis performed by the City was in error;
- the tree removal and preservation plan is in accordance with City Code;
- the park plan is consistent with the Comprehensive Plan Policy N-EH-7;
- no evidence was provided by the appellant regarding fraud or misrepresentation of staff; and
- the size of park remains 2.5 acres; and all improvements to the design will be within the site.

Mr Haney provided information in response to Council queries regarding: neighborhood policies - developed

by a Citizen Advisory Board; and bike park trails and jumps will be routed around trees.

GASSER REBUTTAL TO CITY TESTIMONY: Mr. Gasser provided rebuttal testimony regarding noticing, safety, parking, and size and scope of proposed park design.

ZEITZ REBUTTAL TO CITY TESTIMONY: Mr. Zeitz provided rebuttal testimony regarding Council's direction for staff to meet/address the needs of the neighbors, and the size and scope of the proposed park design.

Councilmembers presented their positions on the Hearing Examiner's Decision and appeal testimony offered regarding this matter.

2. AM No. 12-078: Harold Zeitz, et al. (representing all appellants from original appeal except Steve Gasser) Appeal, and Gasser Appeal, of Hearing Examiner's Decisions to Deny Appeals L110272 (File Nos. L110533, L120020)

MOTION: Councilmember Allen moved to Uphold and Adopt the Hearing Examiner's Findings, Conclusions and Decisions, dated December 5, 2011. The motion was seconded by Councilmember Vache.

Members of the Council expressed a desire to review the code regarding quasi-judicial matters before the Council.

VOTE: The motion passed without objection. (7 - 0)

ADJOURNMENT

There being no further business to come before the Council the special meeting adjourned at 9:14 p.m.

JOHN MARCHIONE, MAYOR

Minutes Approved: June 5, 2012